

REMARKS

In the outstanding Office Action, the Examiner:

(1) Rejected claims 1-19 under 35 U.S.C. §112, second paragraph.

(2) Rejected claims 1-11 and 16-19 under 35 U.S.C. §103(a) as being unpatentable over Takamoto et al., U.S. Patent No. 5,903,724, in view of Crisler et al., U.S. Patent No. 5,515,379.

(3) Rejected claims 12-15 under 35 U.S.C. §103(a) as being unpatentable over Takamoto in view of Crisler and in further view of Duquesnois et al., U.S. Patent No. 6,564,382.

Reconsideration is requested.

Applicants note that an Information Disclosure Statement (IDS) is filed herewith. The references in the IDS were cited in commonly owned patent application numbers 09/649,954 (now U.S. Patent No. 6,959,327) and 09/649,953. These applications are cited at page 6 of the current specification and the specification was previously amended (Response dated June 3, 2004) to recite these serial numbers. A previous IDS citing references from these applications was mailed on June 4, 2004. It is noted that patent application number 09/649,953 stands rejected, and that this application might be considered to contain some similar subject matter to the claims of the instant patent application.

With regard to the rejections in (1), Applicants disagree. Nonetheless, to further prosecution Applicants have amended claim 1 as follows: “receiving a request for transmitting digital information, the request comprising after a start time and before an end time”. Such amendment is supported, e.g., by FIGS. 7 and 7A and corresponding

text at pages 30-37. This amendment should thus be found to be responsive to the rejection, and to overcome the rejection of claims 1-19 under 35 U.S.C. §112, second paragraph.

It is noted that other sections of claim 1 and claims 6, 7, 9, 10, and 19 have been amended herein for clarification purposes and not for purposes related to patentability.

Regarding the rejections in (2), Applicants respectfully traverse. Neither Takamoto nor Crisler teach or suggest “receiving a request for transmitting digital information, the request comprising a start time and an end time” and “accepting the digital information for transmission only if the time required to transmit is less than or equal to a difference between the transmit time and the end time” as recited in amended claim 1.

Takamoto instead discloses the following:

“A communication controller at the sending computer divides data transferred from a host into sub-ACK unit packets and transfers them sequentially to a destination without waiting for the sub-ACK's being subsequently provided by the destination. A communication controller at the receiving computer issues a sub-ACK to the sending computer for each of the sub-ACK unit packet, if the sub-ACK packet has been normally received and otherwise issues retransmission request for the sub-ACK unit packets and merges data included in the sub-ACK unit packets into the initial data, after they are normally received.”

Takamoto at Abstract. Takamoto fails to teach or suggest “receiving a request for transmitting digital information, the request comprising a start time and an end time” as recited in claim 1. The Examiner also admits that Takamoto does not disclose “accepting with specific conditions”. Accordingly, Takamoto cannot teach or suggest “accepting the digital information for transmission only if the time required to transmit is less than or equal to a difference between the transmit time and the end time” as recited in claim 1.

With regard to Crisler, it discloses:

“Time slots may be allocated within a communication system when a communication unit transmits a first packet to a time slot allocator. Upon receiving the first packet, the time slot allocator determines whether the first packet contains a request for allocation of n-time slots or a request to transmit multiple packets. When the first packet contains the request for allocation of n-time slots, the time slot allocator allocates the n-time slots to the communication unit when the n-time slots are available, wherein the n-time slots are allocated contiguous in time. When the first packet contains the request to transmit multiple packets, the time slot allocator allocates time slots to the communication unit until the multiple packets have been transmitted, wherein the time slots are allocated contiguous in time.”

Crisler at Abstract. Crisler fails to teach or suggest “receiving a request for transmitting digital information, the request comprising a start time and an end time” or “accepting the digital information for transmission only if the time required to transmit is less than or equal to a difference between the transmit time and the end time” as recited in independent claim 1.

For instance, Crisler discloses that if the N time slots are not available (step 203 in FIG. 2 of Crisler), then the request is queued (step 206 in FIG. 2 of Crisler) until the time slots are available (step 207 in FIG. 2 of Crisler). At this point, the N time slots are allocated (step 204 in FIG. 2 of Crisler) and are then transmitted (step 205 in FIG. 2 of Crisler). The disclosure of Crisler in no way indicates that digital information is accepted for transmission only if the time required to transmit is less than or equal to a difference between a determined transmit time and an end time provided in a request, as recited in claim 1.

Neither Takamoto nor Crisler, taken alone or in combination, teach or suggest “receiving a request for transmitting digital information, the request comprising a start time and an end time” or “accepting the digital information for transmission only if the time required to transmit is less than or equal to a difference between the transmit time and the end time” as recited in amended claim 1. Therefore, independent claim 1 is patentable over the combination of Takamoto and Crisler. Because independent claim 1 is patentable,

dependent claims 2-11 and 16-19 are also patentable for at least the reasons give with respect to claim 1.

Regarding the rejections in (3) above, as claim 1 is patentable over the combination of Takamoto and Crisler, claims 12-15 are patentable for at least the reasons given with respect to claim 1.

Applicants respectfully submit the newly added claims are also clearly patentable over the cited references. The new claims are supported, e.g., by pages 30-31; page 32, line 21 to page 33, line 9; page 37, lines 4-14; and FIGS. 7 and 7A.

For instance, there is no disclosure or implication in Takamoto or Crisler (or Duquesnois for that matter) of “determining a cost for transmitting the digital information and billing the cost to a client corresponding to the digital information” as recited in dependent claim 23 or of “wherein the request further includes information from the client regarding how the client can be billed” as recited in dependent claim 24 or of “wherein the information from the client comprises an account identifier and billing the cost further comprises billing the cost to an account identified by the account identifier” as recited in dependent claim 25.

For at least these reasons, Applicants respectfully submit that claims 1-19 and 23-28 are patentable over the cited art and request the rejections to claims 1-19 be withdrawn.

Application Serial No. 09/649,973
Art Unit 2155



Respectfully submitted,


Robert J. Mauri (Reg. No. 41,180)
Harrington & Smith, LLP
4 Research Drive
Shelton, CT 06484-6212
(203) 925-9400

5/22/06
Date

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail on the date shown below in an envelope addressed to:
Commission For Patents, P.O. Box 1450, Alexandria, VA 22313.


Person Making Deposit

5-22-06
Date